

PATENT
Serial No. 09/632,154

REMARKS

Claims 4-8 and 15-25 are pending in this application. Applicant has cancelled Claims 1-3 and 9-14 without prejudice. Claims 4-8, 15, 17-20, and 23 have been amended. Applicant presents new Claims 24 and 25 for the Examiner's consideration. Applicant requests consideration of this application in view of the foregoing amendments and the following remarks.

Initially, Applicant extends its appreciation to the Examiner for taking the time to conduct the personal interview on August 5, 2003.

CLAIM 4

In accordance with the discussion at the interview, Applicant has amended Claim 4 to replace "motion" with position and to replace "set" with subset. The change to position is intended to better define the present invention. The change to subset is intended to more clearly define amended Claim 4 over the prior art as is now described in more detail.

Amended Claim 4 is patentable over U.S. Patent No. 5,491,743 to Shiio et al ("Shiio"). In Shiio, to have another operator 18_j attend an ongoing conference, an icon representing the operator 18_j requesting the attendance is moved from the conference attendants window 66 to the virtual conference room window 62 by dragging it with a mouse. All operators 18_j who are dragged into the conference room window 66 are displayed as attending the conference.

To the contrary, amended Claim 4 includes the step of "determining from received positions a subset of the other users' avatars that are to be displayed to the first user." (emphasis added). Shiio fails to disclose or suggest such a limitation. As such, Applicant submits that amended Claim 4 is patentable.

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CLAIM 5

Applicant has rewritten Claim 5 in independent form, thus incorporating the limitations of Claim 4 (as it existed prior to this amendment). To better define the invention of Claim 5, Applicant has replaced recitations to "motion" with position and made other changes to form. None of the foregoing amendments to Claim 5 were made for the purposes of distinguishing it over the prior art.

Claim 5 is patentable over Shiio at least because it does not disclose or suggest that a client process associated with a first user determines, from the positions of at least some of the other users' avatars received from the server, a set of the other users' avatars that are to be displayed to the first user. Indeed, as the Examiner stated during the prosecution of the parent case to this application (Serial No. 08/747,420; now U.S. Patent No. 6,219,045 B1), "Shiio et al. fails to explicitly teach determining a list of avatars [from] a set of avatars to be displayed at each client process." [Office Action, November 29, 1999, page 3] As such, Applicant submits that Claim 5, and the claims dependent therefrom, are patentable.

OTHER CLAIMS

Independent Claims 15, 18, 21, 22, 23, and 25 (and the claims depending therefrom) are patentable of Shiio for the same reason asserted with respect to Claim 5.

OTHER PRIOR ART

U.S. Patent No. 5,347,506 to Nitta and the other references of record do not make up the deficiencies of Shiio. Thus, the pending claims are patentable over these references as well.

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CONCLUSION

For the reasons set forth above, all of the pending claims are patentable over the references of record and are now in condition for allowance. An early allowance of the all claims is earnestly solicited.

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Respectfully submitted,

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